REMARKS

Claims 1-11 are pending in the instant application. The pending claims have been subjected to a Restriction Requirement under 35 USC §121 and 35 USC §372.

The Examiner suggests that there are multiple distinct inventions in the present application and has required restriction between seven distinct groups:

Group I) Claims 1, 2, and 6, drawn to a genetic construct comprising a cDNA encoding human CFTR.

Group II) Claims 1-3, and 6, drawn to a genetic construct comprising a cDNA encoding human Pgp.

Group III) Claims 1,2, and 4-6, drawn to a genetic construct comprising a cDNA encoding human mutant CFTR.

Group IV) Claim 7, drawn to a method for assessing the ability of antineoplastic agents to induce a multi-drug resistance in tumor cells.

Group V) Claim 8, drawn to a method for identifying agents that alter the *de novo* multi-drug resistant phenotype of tumor cells.

Group VI) Claim 9, drawn to a method for identifying agents for use in treating cystic fibrosis.

Group VII) Claims 10 and 11, drawn to a method for treating cystic fibrosis.

The Examiner further suggests that the groups do not relate to a single general inventive concept under PCT rule 13.1, because they lack the same or corresponding special technical features. The Examiner suggests that each group has its own distinct special technical feature and each have acquired a separate status in the art, as shown by their different classification.

The inventions listed as Groups I-VII are further suggested not to relate to a single general inventive concept under PCT Rule 13.1, because it is suggested that they lack the same corresponding special technical features under PCT Rule 13.2.

The Examiner has acknowledged claim 1 to be a linking claim. Upon allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application.

Applicants respectfully traverse this restriction requirement.

In the present invention, the claims all relate to genetic constructs and methods for using those constructs to identify and assess the ability of antineoplastic agents to induce drug resistance (please see Specification page 4, lines 7-19), and alter *de novo* drug resistance phenotype of tumor cells (see Specification page 4, lines 20-32). Agents identified by the present invention are particularly useful in treating cystic fibrosis (please see Specification page 4, line 33 through page 5, line 12). Accordingly, all of the claims share the same single inventive concept under PCT Rule 13.1 and PCT Rule 13.2.

Further, there is a special technical relationship among, at least, Groups I and VI involving the same or corresponding special technical features. For instance, a primary object of the present invention is to provide a method for identifying agents for use in the treatment of cystic fibrosis (as acknowledged by the Examiner as Group VI) which comprises exposing cells transfected with the genetic construct of the instant invention to an agent; measuring CFTR expression levels or trafficking of CFTR to the cell membrane in the exposed cells to CFTR expression levels or trafficking of CFTR to the cell membrane in cells not exposed to the agent, wherein an increase in CFTR expression levels or trafficking of CFTR to the cell membrane in the exposed

cells as compared to the unexposed cells is indicative of the agent being useful in the treatment of cystic fibrosis (please see Specification page 4 line 33 through page 5 line 12).

Accordingly, Applicants believe that the method claims (Group VI) using the product or construct of the present invention (Group I), should properly be considered as one Group. Applicants respectfully request reconsideration and withdrawal of the restriction requirement at least as it applied to Group I and VI, so that consideration of the entire grouping may be effectively commenced at the earliest possible stage of prosecution.

However, in an earnest effort to be fully responsive and facilitate prosecution of this application, Applicants elect to prosecute Group VI, a method for identifying agents for use in treating cystic fibrosis, with traverse.

Respectfully submitted,

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Date: **November 14, 2003**

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